

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

MICHAEL J. BAISDEN

Plaintiff,

v.

CIVIL ACTION NO. 2:08-cv-01375

CSC-PA, INC., et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

On November 20, 2009, the court directed the parties to file non-Rule 12(b) dispositive motions by June 17, 2010. (Amended Scheduling Order [Docket 68]). On August 10—nearly two months after the court’s dispositive-motion deadline had passed— the parties filed a joint motion to extend the dispositive-motion deadline to August 16, 2010. The court granted the motion three days later, leaving the remainder of the Scheduling Order intact.

On August 16, 2010, the defendants filed three motions for partial summary judgment: one for each of the plaintiff’s claims. The defendants also filed supporting memoranda with each motion. These memoranda are 15, 16, and 20 pages in length. They never sought the court’s leave to exceed the court’s page limitation. The plaintiff filed one response to each of these motions, along with his own cross-motion for summary judgment.

Local Rule 7.1(a)(2) of this court provides, “A memorandum of not more than 20 pages in length must accompany” summary judgment motions. Furthermore, the Rule explains,

Motions to exceed the page limitation are disfavored and will be denied absent a showing of good cause. Unless extraordinary circumstances exist, a motion to exceed the page limitation for a supporting memorandum of law, memorandum in response, and a memorandum in reply, must be tendered to the presiding judge at least 3 days in advance of filing the proposed oversized memorandum.

L. R. Civ. P. 7.1(a)(2).

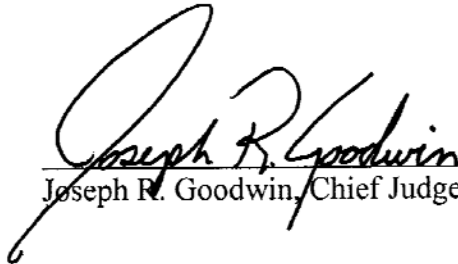
By filing three separate motions for “partial summary judgment,” with a combined 41 pages in supporting memoranda, the defendants have exceeded the allowable page limit. The Rule explains that motions to exceed the page limitation are “disfavored,” and, “absent a showing of good cause,” will be denied. By filing three separate summary judgment motions, rather than one, the defendants clearly sought to do an end run around the Local Rules. This sort of gamesmanship is simply impermissible.

The court **STRIKES** the memoranda in support of the defendants three motions for partial summary judgment [Docket 118, 120, and 122]. The defendants shall have until 5 pm on Friday, September 3, 2010, to file memoranda in accordance with the Local Rules of this court. Thereafter, if the plaintiff so chooses, he may file an amended response by Thursday, September 9, 2010. The defendants will then have until Monday, September 13, 2010, to file an amended reply.

The court **AMENDS** the remainder of the Scheduling Order as follows: The Pretrial Conference is continued until Monday, October 4, 2010, at 9:30 am; Proposed Jury Instructions are due by Tuesday, October 12, 2010; the Final Settlement Conference shall take place on Monday, October 18, 2010, at 11:00 am; and Trial shall be held on Tuesday, October 19, 2010, at 8:30 am in Charleston. These dates are not subject to change.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 31, 2010



Joseph R. Goodwin, Chief Judge